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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,251	03/17/2004	Jennie V. Harris	MEP110	2286
7590	11/17/2004		EXAMINER	
Sean A. Kaufhold P.O. Box 131447 Carlsbad, CA 92013			SHRIVER II, JAMES A	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/801,251	HARRIS, JENNIE V.
	<b>Examiner</b>	<b>Art Unit</b>
	J. Allen Shriver	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/17/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "said back side" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Szmidt et al. (US Patent 6,729,630 B2).** Szmidt et al. Discloses a baby stroller and safety restraint device (10) comprising a panel (14) having a front edge (29), a back edge (26), a pair of side edges (24), a top side (22), and a bottom side (28), said panel being generally arcuate so that said top side is generally concave from said front edge to said back edge, a pair of sides walls being

attached to said panel such that each is attached to one of said side edges and extends upwardly therefrom (See Figs. 1-3); a strap assembly (16) adapted for releasably securing a child against the top side of said panel being attached to said panel; a coupler (30) being attached to said bottom side of said panel, said coupler being adapted for removably receiving a seatbelt (32); a pair of wheels (44) being rotatably coupled to said bottom side of said panel; and a push handle (18) being attached to said panel and being positioned adjacent to said back edge; **[claim 2]** wherein said coupler comprises at least one loop member positioned generally between said back and front edges (See Fig. 6); **[claim 3]** wherein each of said wheels is positioned generally adjacent to one of said side edges, each of said wheels being positioned generally between said back and front edges (See Fig. 2); **[claim 4]** wherein said push handle includes a pair of arms (36) attached to and extending away from an elongated rod (38), each of said arms being selectively extendable into one of a pair of openings in said panel such that said rod may be selectively positioned in a retracted position adjacent to said panel or an extended position positioned away from said panel (See Figs. 1-3); **[claim 5]** further including a carry handle (33) including a central member and a pair of legs (35) being attached to and extending downwardly from said central member such that said carry handle is generally U-shaped, each of said legs having a bottom end, each of said bottom ends being rotatably coupled to one of said side walls, said bottom ends of said legs being positioned generally between said front and back edges; **[claim 8]** wherein said wheels extend less than three inches away from said back side of said panel.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 6-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szmidt et al. (US Patent 6,729,630 B2) in view of Roh (US Patent 6,019,421).** Szmidt et al. discloses the stroller and safety seat as set forth above, but does not disclose further including a cover being attached to said panel and extending from said front edge toward said back edge, said cover extending between said side walls. Roh discloses a cover (for an infant's seat) being attached to said panel and extending from said front edge toward said back edge, said cover extending between said side walls (See Figs. 4-13). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide a cover to be attached to the panel of the stroller disclosed in Szmidt et al. in view of the teaching of Roh. The motivation for doing so would have been to provide a protective cover over the infant to shade the sun and/or keep out insects.

***Conclusion***

7. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3618

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

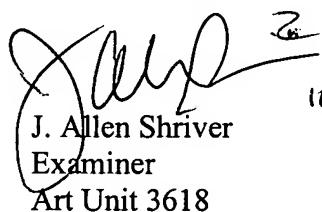
As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (703) 305-3597 or (703) 305-7687 (for formal communications intended for entry. (703) 746-3852 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunday, November 14, 2004

  
J. Allen Shriver  
Examiner  
Art Unit 3618  
11/13/04

JAS